

**ORDINANCE NO. 46-821**

**AN ORDINANCE AMENDING THE “WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS, JANUARY 28, 1999 EDITION,” AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.05.010.**

**WHEREAS**, under the authority of K.S.A. 12-741, et seq., the City of Wichita and Sedgwick County desire to amend The Wichita-Sedgwick County Subdivision Regulations to add provisions regarding urban fringe development standards and to delete Lot Bundling Development standards.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;**

**SECTION 1. Section 28.05.031 of the Code of the City of Wichita shall read as follows:**

Section 11-102 of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita, as further amended by Section 28.05.012, is further amended to add a new definition for “Community Sewer System” and replace the definition of “Urban Growth Boundary” with the following:

“COMMUNITY SEWER SYSTEM (CSS): A sewerage treatment system designed to serve a limited number of properties in a limited geographic area; generally two or more lots within a single plat or adjoining plats.”

“URBAN GROWTH AREA: The geographical area of cities’ existing and planned municipal public facilities and services as defined in the most recently adopted version of the Wichita-Sedgwick County Comprehensive Development Plan. (For use in the Urban Growth Area, the terms “city” or “cities” shall mean those municipalities to which the Urban Growth Area pertains.)”

**SECTION 2. Section 28.05.032 of the Code of the City of Wichita shall read as follows:**

Section 8-103(D) of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita is hereby amended to read as follows :

Section 8-103 (D) Water Supply Systems

- (1) Within an Urban Growth Area, the subdivider shall contact the city to which the Urban Growth Area pertains, as designated in the most recently adopted version of the Wichita-Sedgwick County Comprehensive Plan, to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, then

the subdivision shall be connected to the city's water system in accordance with that city's standards.

- 2) Where it is not currently financially feasible to connect a subdivision to the city water system within an Urban Growth Area, the subdivider may provide a community well system.
  - a. Said system shall be installed to city standards applicable to the installation of the city's municipal system in order to permit eventual connection to the municipal system when a water main is extended to the subdivision.
  - b. The property owner shall apply for and obtain permits for the community well from the Department of Agriculture, Division of Water Resources and from Kansas Department of Health and Environment.
  - c. The subdivider shall install the well and water distribution system and shall dedicate the system to the city, in accordance with an agreement with the city to assume ownership and operation of the community well and distribution systems.
- (3) In all areas where a municipal or rural water supply system is not available, the subdivider may provide an on-site water supply approved by the appropriate jurisdiction.
- (4) For subdivisions outside the Urban Growth Area, where individual domestic wells are proposed to supply water, well construction shall at a minimum conform to the State of Kansas requirements and regulations. Lots with individual domestic wells shall be at least one acre or larger in size. Except in the case of a single lot for which platting is required, the following standards shall also apply:
  - (a) A licensed geologist or licensed professional engineer with experience in hydrogeology shall determine, using the Safe Yield Methodology (as defined by Kansas Division of Water Resources rules and regulations, as may be amended from time to time), whether an adequate, safe supply of water is available that does not impair existing water rights. That analysis shall include the following components:
    - (1) A water availability evaluation shall be done for the proposed subdivision, using the center of the subdivision as the "point of diversion". That evaluation shall include all existing water appropriations within a two-mile radius of the "point of diversion", and the established safe-yield of the aquifer that the subdivision is projected to use for a water supply.
    - (2) Maximum levels of potential contaminants shall follow recommendations and requirements of the Safe Drinking Water Act and the K-State Bulletin # MF-912 (as may be amended from time to time). Treatment of the water to meet drinking water suitability requirements shall be provided by the subdivider.
  - (b) In lieu of the requirements and standards of subsection (a), another method approved by the Kansas Division of Water Resources may be used to satisfactorily demonstrate availability and non-impairment of existing water rights.

- (5) During the platting process, perimeter easements shall be dedicated for the potential future extension of public water in accordance with the standards of the municipal entity planning to extend service to the area.

**SECTION 3. Section 28.05.033 of the Code of the City of Wichita shall read as follows:**

Section 8-103(C)(5) of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita is hereby renumbered as Section 8-103(C)(6) and is amended to read as follows:

Section 8-103(C)(6) For any of the requirements of this Subsection (C) that call for action by a governmental agency, the requirement for municipal-type sewer facilities shall not apply if the governing body does not fulfill its obligation within a set period of time. The amount of time available to the governing body shall be determined by the Planning Commission at the time the final plat is approved. The amount of time shall not exceed five years. If the governing body fails to act within the established time period, the subdivider may proceed with approved individual treatment systems.

**SECTION 4. Section 28.05.034 of the Code of the City of Wichita shall read as follows:**

Section 8-103(C)(5) of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita shall read as follows:

Section 8-103(C)(5) Community Sewer Systems (CSS)

- (a) CSS Oversight Committee. The County Manager shall establish an oversight committee the purpose of which shall be to review the technical feasibility of proposed community sewer systems; educate builders and the public regarding these systems; provide technical assistance regarding the systems, if requested and as able; monitor and review CSS implementation and operation; and make other recommendations as appropriate.
- (b) Maintenance Responsibility. Community sewer systems shall be owned and maintained by a city or a sewer district. The developer shall petition for inclusion of the proposed CSS in the sewer district or acceptance of the facility by a city prior to issuance of a permit. Within an Urban Growth Area, the pertinent city shall be contacted regarding the assumption of maintenance responsibility for the CSS and may require a cost-effectiveness determination before accepting that responsibility.
- (c) Criteria for Use of CSS. A CSS shall be a type that has been approved by the County Manager’s CSS Oversight Committee prior to the Planning Commission review of the final plat. The number of different types of CSS allowed shall be limited so that cities and sewer districts can more easily maintain all systems for which they assume responsibility.
  - (1) The CSS Oversight Committee shall consider for approval only nitrogen-reducing systems with a proven history based on operating records, or an

approved equivalent.

(2) A CSS shall only be approved for domestic strength wastewater.

(d) Standards for Use of CSS:

(1) No building permits shall be issued until the CSS has received all applicable permits for the sewer system.

(2) Within an Urban Growth Area, a CSS shall be installed in accordance with the sanitary sewer system requirements and specifications of the pertinent city (except when otherwise allowed by a city on a case-by-case basis), including the city's criteria specified for location and connection to its municipal sewer when that system is extended to the subdivision.

(3) Easements for the approved system shall be dedicated at the time of platting.

(4) The developer shall provide a petition, as required by the city, for future extension of the sewer main to serve the property. The city may also require a petition for annexation.

(5) In a subdivision using a CSS, the minimum lot size shall be 12,000 square feet, with minimum side yard setback of twelve feet.

**SECTION 5. Section 28.05.034 of the Code of the City of Wichita shall read as follows:**

Section 8-103(A) entitled "Required Improvements. Streets." of "The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita is hereby amended to add at the end of the subsection:

Paving of arterial streets shall be required in accordance with the following provisions:

(1) Within any unincorporated portion of an Urban Growth Area, all proposed subdivisions shall provide access to a paved arterial street when a Community Sewer System (CSS) is proposed or when the vehicle trips projected to be generated by the proposed subdivision will cause, cumulatively, more than 200 vehicle trips per day on the arterial street (in accordance with trip generation rates contained in the most recent edition of "Trip Generation", Institute of Transportation Engineers).

(a) Where paving on the arterial street does not exist at the time of platting to the entrance to the subdivision, the subdivider shall petition Sedgwick County to provide the paving, in minimum increments of one-half mile, to the nearest paved arterial. To offset its costs and the debt service on obligations issued to pay for such paving, the petition shall be based on a charge to the subdivider of \$950 per acre of land platted. The fee shall be guaranteed by surety that is acceptable to the County, prior to final

plat approval. The fee shall be credited to the account established by Sedgwick County for the express purpose of paving arterial streets in Urban Growth Areas and for the debt service on obligations issued by Sedgwick County for that purpose.

- (b) Where paving on the arterial street does exist at the time of platting to the entrance to the subdivision, in order to offset its share of the costs of paving arterial streets and the debt service on obligations issued to pay for such paving, Sedgwick County shall charge a benefit fee, in accordance with the following fee schedule, to any property that is subdivided after the effective date of this Ordinance within the unincorporated portion of an Urban Growth Area, except as specifically exempted below. The fee shall be guaranteed by surety that is acceptable to the County, prior to final plat approval. The fee shall be credited to the account established by Sedgwick County for the express purpose of paving arterial streets in Urban Growth Areas and for the debt service on obligations issued by Sedgwick County for that purpose.
  - i. For properties that do not have access to an arterial street paved as of the effective date of this Ordinance, the benefit fee shall be \$950 per acre.
  - ii. For properties that have access to an arterial street paved as of the effective date of this Ordinance, the benefit fee shall be \$475 per acre.
  - iii. The benefit fee shall not apply to properties that pay fees to Sedgwick County under the provisions of Paragraph 1a. above, are outside an Urban Growth Area, or to existing structures that are not subject to platting.

Outside an Urban Growth Area, all proposed subdivisions shall provide access to a paved arterial street when the vehicle trips projected to be generated by the proposed subdivision will cause, cumulatively, more than 200 vehicle trips per day on the arterial street (in accordance with trip generation rates contained in the most recent edition of "Trip Generation", Institute of Transportation Engineers). Where paving on an arterial street does not exist at the time of platting to the entrance to the subdivision, the subdivider shall petition Sedgwick County to provide the paving, in minimum increments of one-half mile, to the nearest paved arterial. In the petition, the subdivider shall agree to be responsible for the entire cost of the paving and will pay the costs to Sedgwick County in full, or by surety that is acceptable to the County, prior to final plat approval.

**Effect of Future Annexations.** The imposition of the above fees shall apply irrespective of any future annexation by a city.

**SECTION 6. Section 28.05.035 of the Code of the City of Wichita shall read as follows:**

Section 8-105(B) entitled “Petitions” of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita is hereby amended to add the following subsection:

- (5) Petitions for future municipal services for urban developments within a city’s adopted growth area must include consent to annexation. Annexation petitions will not be activated until the development is contiguous to established corporate city limits, unless approved by the County Commission.

**SECTION 7. Section 28.05.036 of the Code of the City of Wichita shall read as follows:**

Section 7-204 (C) of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita is hereby deleted in its entirety.

**SECTION 8.** This Ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

**PASSED AND ADOPTED** by the governing body at Wichita, Kansas, this 15<sup>th</sup> day of November, 2005.

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

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Carlos Mayans, Mayor

**Approved as to form:**

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Gary E. Rebenstorf, Director of Law